

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
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First Regular Session
2007

CHAPTER 294

SENATE BILL 1605

AN ACT

AMENDING SECTION 41-1713, ARIZONA REVISED STATUTES; RELATING TO INDUSTRIAL
INJURY LEAVE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1713, Arizona Revised Statutes, is amended to
3 read:
4 41-1713. Powers and duties of director; authentication of
5 records
6 A. The director of the department shall:
7 1. Be the administrative head of the department.
8 2. Subject to the merit system rules, appoint, suspend, demote,
9 promote or dismiss all other classified employees of the department upon the
10 recommendation of their respective division superintendent. The director
11 shall determine and furnish the law enforcement merit system council
12 established by section 41-1830.11 with a table of organization. The
13 superintendent of each division shall serve at the concurrent pleasure of the
14 director and the governor.
15 3. Make rules necessary for the operation of the department.
16 4. Annually submit a report of the work of the department to the
17 governor and the legislature, or more often if requested by the governor or
18 the legislature.
19 5. Appoint a deputy director with the approval of the governor.
20 6. Adopt an official seal that contains the words "department of
21 public safety" encircling the seal of this state as part of its design.
22 7. Investigate, on receipt, credible evidence that a licensee or
23 registrant has been arrested for, charged with or convicted of an offense
24 that would preclude the person from holding a license or registration
25 certificate issued pursuant to title 32, chapter 26.
26 8. Cooperate with the Arizona-Mexico commission in the governor's
27 office and with researchers at universities in this state to collect data and
28 conduct projects in the United States and Mexico on issues that are within
29 the scope of the department's duties and that relate to quality of life,
30 trade and economic development in this state in a manner that will help the
31 Arizona-Mexico commission to assess and enhance the economic competitiveness
32 of this state and of the Arizona-Mexico region.
33 9. Adopt and administer the breath, blood or other bodily substances
34 test rules pursuant to title 28, chapter 4.
35 10. Develop procedures to exchange information with the department of
36 transportation for any purpose related to sections 28-1324, 28-1325, 28-1326,
37 28-1462 and 28-3318.
38 11. Collaborate with the state forester in presentations to legislative
39 committees on issues associated with wildfire prevention, suppression and
40 emergency management as provided by section 37-622, subsection B.
41 B. The director may:
42 1. Issue commissions to officers of the department.
43 2. Request the cooperation of the utilities, communication media and
44 public and private agencies and any sheriff or other peace officer in any
45 county or municipality, within the limits of their respective jurisdictions

1 when necessary, to aid and assist in the performance of any duty imposed by
2 this chapter.

3 3. Cooperate with any public or private agency or person to receive or
4 give necessary assistance and may contract for such assistance subject to
5 legislative appropriation controls.

6 4. Utilize the advice of the board and cooperate with sheriffs, local
7 police and peace officers within the state for the prevention and discovery
8 of crimes, the apprehension of criminals and the promotion of public safety.

9 5. Acquire in the name of the state, either in fee or lesser estate or
10 interest, all real or any personal property that the director considers
11 necessary for the department's use, by purchase, donation, dedication,
12 exchange or other lawful means. All acquisitions of personal property
13 pursuant to this paragraph shall be made as prescribed in chapter 23 of this
14 title unless otherwise provided by law.

15 6. Dispose of any property, real or personal, or any right, title or
16 interest in the property, when the director determines that the property is
17 no longer needed or necessary for the department's use. Disposition of
18 personal property shall be as prescribed in chapter 23 of this title. The
19 real property shall be sold by public auction or competitive bidding after
20 notice published in a daily newspaper of general circulation, not less than
21 three times, two weeks before the sale and subject to the approval of the
22 director of the department of administration. When real property is sold, it
23 shall not be sold for less than the appraised value as established by a
24 competent real estate appraiser. Any monies derived from the disposal of
25 real or personal property shall be deposited, pursuant to sections 35-146 and
26 35-147, in the Arizona highway patrol fund as authorized by section 41-1752,
27 subsection B, paragraph 6.

28 7. Sell, lend or lease personal property directly to any state, county
29 or local law enforcement agency. Personal property may be sold or leased at
30 a predetermined price without competitive bidding. Any state, county or
31 local law enforcement agency receiving personal property may not resell or
32 lease the property to any person or organization except for educational
33 purposes.

34 8. Dispose of surplus property by transferring the property to the
35 department of administration for disposition to another state budget unit or
36 political subdivision if the state budget unit or political subdivision is
37 not a law enforcement agency.

38 9. Lease or rent personal property directly to any state law
39 enforcement officer for the purpose of traffic safety, traffic control or
40 other law enforcement related activity.

41 10. Sell for one dollar, without public bidding, the department issued
42 handgun or shotgun to a department officer on duty related retirement
43 pursuant to title 38, chapter 5, article 4. Any monies derived from the sale
44 of the handgun or shotgun to the retiring department officer shall be

1 deposited, pursuant to sections 35-146 and 35-147, in the Arizona highway
2 patrol fund as authorized by section 41-1752, subsection B, paragraph 6.

3 11. Conduct state criminal history records checks for the purpose of
4 updating and verifying the status of current licensees or registrants who
5 have a license or certificate issued pursuant to title 32, chapter 26. The
6 director shall investigate, on receipt, credible evidence that a licensee or
7 registrant has been arrested for, charged with or convicted of an offense
8 that would preclude the person from holding a registration certificate issued
9 pursuant to title 32, chapter 26.

10 12. Grant a maximum of two thousand eighty hours of industrial injury
11 leave to any sworn department employee who is injured in the course of the
12 employee's duty, ~~or~~ any civilian department employee who is injured in the
13 course of performing or assisting in law enforcement or hazardous duties OR
14 ANY CIVILIAN DEPARTMENT EMPLOYEE WHO WAS INJURED AS A SWORN DEPARTMENT
15 EMPLOYEE REHIRED AFTER AUGUST 9, 2001 AND WOULD HAVE BEEN ELIGIBLE PURSUANT
16 TO THIS PARAGRAPH and whose work-related injury prevents the employee from
17 performing the normal duties of that employee's classification. This
18 industrial injury leave is in addition to any vacation or sick leave earned
19 or granted to the employee and does not affect the employee's eligibility for
20 any other benefits, including workers' compensation. ~~On retirement or~~
21 ~~separation from the department, The employee forfeits any unused industrial~~
22 ~~injury leave and is not eligible for payment pursuant to section 38-615 OF~~
23 INDUSTRIAL INJURY LEAVE THAT IS GRANTED PURSUANT TO THIS PARAGRAPH. Subject
24 to approval by the law enforcement merit system council, the director shall
25 adopt rules and procedures regarding industrial injury leave hours granted
26 pursuant to this paragraph.

27 C. The director and any employees of the department that the director
28 designates in writing may use the seal adopted pursuant to subsection A,
29 paragraph 6 of this section to fully authenticate any department records and
30 copies of these records. These authenticated records or authenticated copies
31 of records shall be judicially noticed and shall be received in evidence by
32 the courts of this state without any further proof of their authenticity.

APPROVED BY THE GOVERNOR JULY 2, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 2, 2007.